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SUBJECT: U.S./U.K. Team Assesses Nigeria's Preparedness for National
Elections in 2011

SUMMARY

1. (SBU) In response to a request from President Yar'Adua to the Ambassador and UK High Commissioner (reftel), USAID and DFID assembled and facilitated an international, independent team of experts to conduct an assessment of Nigeria's electoral system. During its two weeks in Nigeria, the team met with a broad variety of election stakeholders in Abuja as well as Lagos, Kaduna, and Anambra states. The team concluded that while some legal reforms of the electoral system are warranted, key administrative actions under Nigeria's Constitution and the 2006 Electoral Act could produce credible elections in 2011. However, the team also determined that there is a serious public crisis of confidence in the leadership of the Independent National Electoral Commission that must be addressed in a timely and transparent manner when the current chairman steps down in June. End Summary.

2. (SBU) On January 12, the team met Minister of Foreign Affairs Chief Ojo Maduekwe, who reiterated his President's commitment to strengthen the electoral process and promised the team unfettered access to any government body or individual. Maduekwe stated, "Your mission has great support within the ruling party. The People's Democratic Party knows it has a lot to lose and nothing to gain, if there is a perception that elections are not credible. The perception of a flawed election robs us of genuine victory when it is forced to explain all the time that it did not rig the election."

3. (SBU) The team subsequently met with the Attorney General, the Secretary to the Government of the Federation, the Deputy President of the Senate, the Chairman of the Independent National Electoral Commission (INEC) as well as key staff, state governors, political party leaders, civil society organizations, academics, media representatives, and members of the diplomatic community. Team members conducted field visits to Kaduna, Lagos, and Anambra State, where they also met with State Independent Electoral Commissions.

4. (SBU) INEC Chairman Professor Maurice Iwu promised the team full

access to INEC permanent staff and facilities. He discussed his understanding of the major obstacles to credible elections in Nigeria. First, the political parties cannot purport to strive for democracy if they do not embrace democracy within their own ranks. Second, the parties absorb huge sums of illicit money and foster general mistrust of elections with their "must win at all costs" mentality. Finally, the U.K., EU, and Canada contributed to the donor basket following the 2007 presidential election, but the U.S. did not. (Note: Ambassador highlighted to Iwu in a January 29 meeting (septel) that the USG cannot enter into joint financing agreements because it cannot track its foreign assistance funds adequately under such a mechanism. End Note)

RECOMMENDATIONS

¶5. (SBU) Following its stakeholder consultations, the team developed several key recommendations:

-- A) The Executive should reconstitute the INEC Chair and Board "based on broad, inclusive consultation with the National Assembly

and the judiciary" to increase public confidence in INEC's independence and impartiality.

-- B) The National Assembly should pass electoral reform legislation "as a matter of urgency." The team noted that "It became clear time and again that the political parties lack internal democracy," and that the parties should hold their primaries in a democratic manner, promote non-violence, and denounce the use of intimidation and hate-speech.

-- C) Civil society organizations "should undertake a Parallel Vote Tabulation (PVT) to verify the accuracy of results, thereby improving credibility." (Note: USAID has requested \$9 million to conduct a PVT in the next election. End Note)

¶6. (SBU) Regarding INEC, the team identified several areas that need to be addressed to achieve credible elections. Most boiled down to public trust. As one opposition party member remarked to the team, "If INEC remains INEC, no change will take place." The team observed that INEC's "lack of transparency is not traceable as much to the law as it is to the way INEC goes about doing its work." The team suggested that INEC should organize standing multi-party liaison committees and civil society forums to address INEC's lack of transparency and its poor relations with most of the other election stakeholders.

¶7. (SBU) The team also stressed the importance of the GON's starting now to identify a replacement for the INEC chair so that he/she could be approved and in place when the current chairman steps down in June 2010.

¶8. (SBU) In another critical finding, the team said that INEC should address the inaccuracies and inefficiencies of the voter register and undertake vigorous action to promote the accurate compilation, maintenance, and continuous education of the public regarding registration.

¶9. (SBU) Lastly, INEC, the team stated, should improve the transparency and verifiability of election results at polling units and collation stations.

TEAM CONCLUSIONS

¶10. (SBU) At a debriefing of U.S. and UK Mission staff on January 25, the team judged that "if the Government of Nigeria wants free, fair, and credible elections, it could have them right now." It explained that although there are certain legal reforms that would improve the electoral process, "the laws already in place, if followed, would result in credible elections. Even if electoral reform is not done, there are certain actions that could be taken in relation to existing law to achieve credible elections." The President can sign the administrative recommendations contained in the Electoral Reform Committee report, but the GON should take steps to address the severe lack of confidence in INEC.

¶11. (SBU) The team took exception with several reforms proposed by the Justice Uwais-led Election Reform Commission. Providing six months for campaign losers to pursue judicial appeals was excessive

in terms of a judicial process and it would also allow departing incumbents more time to abuse public assets. Also, the team felt that the proposed proportional representation system would lead to a diminution, not an increase, in minority representation.

NEXT STEPS

¶12. (SBU) The Ambassador and the U.K. High Commissioner agreed to request a meeting with Vice President Goodluck Jonathan to brief him on the team's findings and specific electoral assistance that the U.S. and U.K. might be able to offer. A short press statement will be released, and the executive summary and action plan of the team's report will be posted on the USAID and DFID websites 30 days after debriefing the Vice President.

COMMENT

¶13. (SBU) Prior to the team's arrival, the Ambassador had engaged with the Foreign Minister and the SGF to ensure that the team had unimpeded access to Nigerian interlocutors. Both affirmed their full support, and the SGF delegated his senior permanent secretary for political affairs to spearhead the team's logistical arrangements, which he did with great effectiveness. However, when INEC Chairman Iwu canceled two meetings with the team, it appeared the team had hit a dead-end. Once the Iwu meeting occurred, the team finally obtained access to INEC and its staff, and said the

meetings with Iwu and his staff were fruitful and that they were forthcoming with information.

¶14. (SBU) As a practical matter, the GON's management of Iwu's replacement is vital. If a credible successor is named and in place to exercise effective leadership the day Iwu departs, the team judged that INEC could be sufficiently transformed in time to be a credible steward of the 2011 elections. The Mission will encourage the GON to support the team's recommendations to strengthen Nigeria's electoral process. END COMMENT.
SANDERS